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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,601	04/06/2001	Steven L. Eikenberg	USAM117030	5690

30465 7590 10/25/2002

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EXAMINER

BUMGARNER, MELBA N

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 10/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

3-M-

Office Action Summary

Application No.

09/828,601

Applicant(s)

EIKENBERG, STEVEN L.

Examiner

Melba Bumgarner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-10 and 18-21, and cancellation of claims 11-17 in Paper No. 10 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 4, and 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 3, 4, and 20, the phrase "but not limited to" renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. In claims 18-21, the preamble to the method claim is incomplete.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6-8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (4,114,274). Jones discloses a dental treatment system comprising at least one dental bracket table 35, at least one portable base unit 42, and at least one suspension device 39 coupled between the at least one dental bracket table and the at least one portable base unit as best seen in figure 1. As to claim 2, the at least one

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table comprises a bracket tray. As to claim 3, the at least one unit has a device 45. As to claim 4, the at least one unit comprises an enclosure 47. As to claim 6, the at least one device comprises a first member 39 operably coupled with a side of the at least one unit and a second member at least partially transverse to the first member, the second member 36 having a first end operably coupled with the at least one table and a second end operably coupled with the first member. As to claim 7, the first member is rotatably attached to the side. As to claim 8, the first member comprises a mounting bracket affixed to the side of the at least one unit and having a circular opening, see figure 2. As to claim 10, the second member is rotatably attached to the at least one table.

6. Claims 1-4, 6, 7, 10, and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Grayson et al. (3,726,012). Grayson et al. disclose a dental treatment system comprising at least one dental bracket table 13, at least one portable base unit 12, and at least one suspension device coupled between the at least one dental bracket table and the at least one portable base unit as best seen in figure 1. As to claim 2, the at least one table comprises a bracket tray. As to claim 3, the at least one unit has a device (column 4 line 10). As to claim 4, the at least one unit comprises an enclosure structured to support at least one dental operatory component. As to claim 6, the at least one device comprises a first member operably coupled with a side of the at least one unit and a second member transverse to the first member, the second member having a first end operably coupled with the at least one table and a second end operably coupled with the first member (column 34 line 63). As to claims 7 and 10, patentable weight is not given to functional language in the claims. As to claims 18-21, Grayson et al. show coupling a suspension device between at least one table and at

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least one unit, the device structured to allow a dental chair to be positioned substantially below the at least one table.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grayson et al. in view of Hoffmeister et al. (4,445,859). Grayson et al. disclose a dental treatment system that shows the limitations as described above; however, they do not show the at least one suspension device comprising a curved member operably coupled between a side of the at least one unit and the at least one table. Hoffmeister et al. teach a dental treatment system comprising at least one device having a curved member 54. It is held to be an obvious matter of choice to one of ordinary skill in the art as to the shape of the member as in Hoffmeister et al. to serve as a support arm for the table. The specific shape of the member is not critical to the claimed invention, since the applicant contemplates other configurations. As to claim 10, Hoffmeister et al. teach the second member rotatably attached to the at least one table 56. It would have been obvious to one having ordinary skill in the art to modify the system of Grayson et al. to have the second member of Hoffmeister et al. to be able to pivot the table.

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grayson et al. in view of Giannella (5,575,646). Grayson et al. disclose a dental treatment system that shows the limitations as described above; however, they do not

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show the first member comprising a mounting bracket having a circular opening.

Giannella teaches a dental treatment system having a first member rotatably attached to the side of a support unit (chair) and the first member comprising a mounting bracket 30 having a circular opening affixed to the side (column 2 line 29). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the coupling of the first member. One would have been motivated to make such a modification to be able to adjust the movement of the members as taught by Giannella.

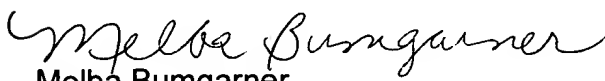
10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grayson et al. Grayson et al. disclose a system that shows the limitations as described above; however, they do not show the second member integrally molded with the first member. It would have been obvious to one of ordinary skill in the art form the second member integrally molded with the first member, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.


Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beier et al. (4,571,182) is cited to show the state of the art with respect to dental treatment system.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melba Bumgarner whose telephone number is

(703) 305-0740.


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KEVIN SHAVER
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10/18/07